

Application No. 10/019,308
Response dated May 24, 2004
Reply to Office Action of February 24, 2004

REMARKS

Claims 2-18 are pending in this application, of which claims 2-17 have been amended and claim 18 has been added. Claim 1 has been canceled.

(1) Claims 4, 8, 9, 10, 15, 16 and 17 were rejected under 35USC§112, second paragraph, as being indefinite.

In response to this rejection, Applicants have amended the claims as follows:

(i) Claim 4 has been amended, whose basis is found at original claim 4, and lines 1-8 of page 29.

(ii) Claim 8 has been amended, whose basis is found at original claim 8, and lines 20-24 of page 17.

(iii) Claim 9 has been amended, whose basis is found at original claim 9, line 25 of page 13 to line 8 of page 14, and lines 1-27 of page 27.

(iv) Claim 10 has been amended, whose basis is found at original claim 10, and lines 1-27 of page 27

(v) Claim 15 has been amended, whose basis is found at original claim 15, and line 12 of page 30 to line 10 of page 31.

(vi) Claim 16 has been amended, whose basis is found at original claim 16.

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(vii) Claim 17 has been amended, whose basis is found at original claim 17, and line 12 of page 30 to line 10 of page 31.

(2) Claims 1-3, 5, 8-11, 13, 14 and 17 were rejected under the judicially created doctrine of double patenting over claims 1, 4, 5, 8-10 and 58 of U.S. patent No. 6,433,474.

In response to this rejection, Applicants file a terminal disclaimer as to U.S. patent No. 6,433,474 herewith.

(3) Claims 1, 2, 5, 6, 8-13 and 17 were rejected under 35USC§102(b) as being anticipated by Yoshihiro et al. (JP7-307487)

Claim 1 has been cancelled, and claim 18 has been added, whose basis is found at page 3, lines 19-23, and Fig. 1(B). Fig. 1(B) shows electrodes 32.

Yoshihiro et al. reference (JP7-307487) is fully discussed at page 4, line 19 to page 6, line 8, and Fig. 10 of the specification of the present application. As described there, the device of Yoshihiro et al. emits a free excitation recombination radiation (235nm) much weaker than a bound excitation radiation (238nm) (page 4, lines 21-24). As shown in Fig. 10, the device of

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Yoshihiro et al. dominantly emits a light having a wavelength of 238nm. On the other hand, the device of the present invention dominantly emits a light having a peak wavelength of 235nm, 242nm, 249nm, or 257nm. So, the rejection under 35USC§102(b) as to new claim 18 is not supported by Yoshihiro et al. Reconsideration of the rejection is respectfully requested.

(4) Claims 3, 4 and 14-16 were rejected under 35USC§103(a) as being unpatentable over Yoshihiro et al. (JP07-307487) in view of Ako et al. (JP02-017631). Also, claim 7 was rejected under 35USC§103(a) as being unpatentable over Yoshihiro et al. (JP07-307487) in view of Linares et al. (US 6,582,513).

The rejection of claim 1 (claim 18) has been traversed. Claims 3, 4, 7, and 14-16 are dependent on claim 1 (claim 18). Furthermore, Ako et al. and Linares et al. fail to provide the teachings which Yoshihiro et al. lacks. So, the rejections under 35USC§103(a) are concurrently traversed. Reconsideration of the rejections is respectfully requested.

(5) In view of the aforementioned amendments and accompanying remarks, Applicant submits that claims 2-18, as herein amended, are in condition for allowance. Applicants request such action at an early date.

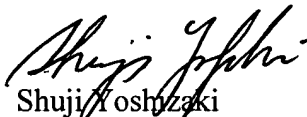
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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. The limited recognition of the agent is attached.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Limited Recognition

Attachment: Limited Recognition

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